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UNCLAS SECTION 01 OF 02 YEREVAN 000451

SENSITIVE

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SUBJECT: ELECTION FRAUD WHISTLEBLOWER STILL IN JAIL

REF: YEREVAN 441
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(U) Sensitive but unclassified. Please protect accordingly.

SUMMARY

¶11. (SBU) While the recent amnesty resulted in the quick "catch-and-release" of three government loyalists convicted for vote-rigging during Yerevan's May 31 municipal election, a human rights activist who blew the whistle on electoral fraud remains in jail. After having filed an election-related complaint the day of the election, the human rights activist Arshaluis Hakobian was detained and arrested on June 5. Police claim he assaulted them during their delivery of a summons. Post's Human Rights Officer visited Hakobian in jail on June 25, where he heard the activist's version of events. Hakobian claimed the assault charges against him are lies, that police beat him after his initial detention, and that his family has been threatened by police. Hakobian said he is now being well-treated in prison. His case remains under investigation.
END SUMMARY.

HAKOBIAN BLOWS THE WHISTLE

¶12. (SBU) A member of the locally prominent Helsinki Association (HA) human rights NGO, Arshaluis Hakobian served as an accredited observer during Yerevan's May 31 municipal election. During his observation of the vote in the most fraud-rife district of Yerevan (Malatia-Sebastia), Hakobian and Mikael Danielian, HA's director, were blocked by one polling place's electoral commission members from observing the vote process. According to Hakobian and Danielian, they were evicted from the polling station, barred from re-entry, and threatened with physical abuse. Hakobian immediately filed a complaint about the incident to the Special Investigative Service (SIS), a body subordinated to the Prosecutor General's Office and charged with investigating electoral fraud.

HAKOBIAN SUMMONED AND BEATEN

¶13. (SBU) On June 5, 2009 the SIS telephoned Hakobian informing him that he was being summoned to depose testimony related to his complaint. Hakobian refused the oral summons and demanded an official written summons, which two policemen promptly brought to his home. According to Hakobian, the written summons was improperly completed, however, since it did not mention the legal grounds on which he was being summoned by the SIS, and did not list him as a complainant. Hakobian initially refused to sign it, but then

complied after being verbally harassed in front of his wife, two young children, and visiting parents-in-law from the United States. When he signed the summons, however, Hakobian said he accidentally signed in the wrong place because he was not wearing his contact lenses.

¶4. (SBU) Hakobian told Emboff that his mistake infuriated the policemen, who made him sign again and refused to leave his home. Eventually, a third police officer arrived at the scene, and Hakobian willingly went with the police officers to a local police headquarters. During the ride and first fifteen minutes at the headquarters, Hakobian claimed, three policemen savagely beat him with their fists and with kicks. Afterwards he was taken to the chief of the police station, who spit on Hakobian and taunted him for being a human rights activist. In the evening of June 5, Hakobian was swiftly charged with "violence against a government representative" and remanded into custody for a two-month pre-trial detention period that expires August 5.

¶5. (SBU) According to media reports, on June 11 members of a civil society prison monitoring group visited Hakobian in the Nubarashen prison (where he is now being kept), and reported numerous injuries on different parts of his body (legs, hands, back and head). Hakobian told Emboff that his injuries were assiduously registered during his intake at a post-arraignment facility, "because they did not want to be blamed later" for the physical abuse inflicted by the police. Post also obtained from HA cell phone photos of Hakobian's injuries soon after they were sustained. Traces of the injuries were hard to confirm on June 25, during Emboff's visit. (NOTE: The Embassy sought prison access to Hakobian late on June 16, but only received permission late on June 24. END NOTE.)

CHARGES "LIES," CASE "POLITICAL"

¶6. (SBU) Hakobian told Emboff during the prison visit that the

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police's claims of assault were "blatant lies." He said his wife, two young children, and visiting parents-in-law were present the entire time the police were in his home -- when Hakobian is alleged to have assaulted the two police officers -- and can vouch that no such assault occurred. Hakobian cited as evidence that the charges are fabricated the fact that the police investigator assigned to his case continually put off taking depositions from his visiting in-laws, even slipping out of his office the one time the in-laws had showed up. He only took the deposition when the in-laws postponed their return to America and surprised the investigator at his office. Hakobian's criminal case remains under investigation. An appeals court on June 19 rejected his effort to overturn his two-month preventive detention.

¶7. (SBU) Hakobian asserted to Emboff that his case was "political," and that he was being retaliated against for blowing the whistle on election fraud. Hakobian nonetheless said he has been well-treated after being confined in Nubarashen prison on June 9, where he has been repeatedly visited by his lawyers, his colleagues, and representatives of the Human Rights Defender (Ombudsman). He did say he worried about the welfare of his wife and children, whom he alleged have been threatened by police in retaliation for Hakobian's comportment.

COMMENT

¶8. (SBU) If Hakobian is telling the truth, and we have no reason to believe otherwise at this point, his case provides yet another chilling example of what happens when citizens go against the prevailing political winds. The irony of this affair is that while three vote-riggers in the May 31 election were amnestied soon after their convictions for ballot-stuffing, Hakobian remains in confinement with an uncertain fate for trying to blow the whistle on electoral fraud. Post will use appropriate opportunities to raise Hakobian's case with senior GOAM officials.

PENNINGTON